

In the Court of Appeals of the State of Alaska

Darren Silas,

Appellant,

v.

State of Alaska,

Appellee.

Court of Appeals No. **A-13619**

Order

Motion for Expedited Consideration of
Sentence Appeal

Date of Order: **4/28/20**

Trial Court Case No. **3KN-10-01789CR**

Before: Allard, Chief Judge, and Harbison, Judge.

The Appellant, Darren Silas, moves for expedited consideration of his sentence appeal. The State opposes.

We have reviewed Silas’s opening brief, which was timely filed without any extension requests. We have also reviewed the relevant parts of the record. Silas’s case presents a straightforward issue that we believe can be resolved on an expedited basis.

In his sentence appeal, Silas argues that the 18 months imposed in response to the petition to revoke probation is excessive. But his primary argument is focused on the trial court’s failure to clearly explain its sentencing decision. Silas also points to comments made by the trial court that suggest that the trial court improperly deferred to the probation officer’s purported “special knowledge” about the probationer.

Based on our review of the record, we are inclined to agree with Silas that the trial court’s comments about the probation officer having “special knowledge” and being an “officer of the court” suggest that the trial court placed improper weight on the probation officer’s recommendation. We are also inclined to agree with Silas that the trial court failed to provide a clear explanation for its decision to impose 18 months in

this case. In our view, the trial court's failure to adequately explain its sentencing decision largely precludes meaningful appellate review and makes it difficult for us to determine whether the sentence is excessive.

Accordingly, we have tentatively decided to issue an order remanding this case to the trial court for reconsideration of the sentence and/or clarification of the basis for its sentencing decision. Our intent would be to retain jurisdiction and to allow supplemental briefing, if appropriate, following the remand. However, because the State has not had an opportunity to file its brief in this case, we invite the State to respond to this proposed resolution and we will take that response into consideration prior to ordering any remand.

IT IS HEREBY ORDERED:

1. Appellant's motion to expedite is **GRANTED**.
2. The State is invited to file a response to the proposed resolution of this appeal outlined above. The response is due on or before **5/12/20**.

Entered at the direction of the Court.

Clerk of the Appellate Courts

/s/ R. Montgomery-Sythe

Ryan Montgomery-Sythe,
Chief Deputy Clerk

cc: Court of Appeals Judges
Central Staff Attorney

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